
RE-EVALUATING THE SCOPE OF INQUEST PROCEEDINGS – INSIGHTS FROM THE CASE OF “K. KRISHNAN VERSUS STATE OF KERALA” AND ITS CONTEMPORARY RELEVANCE UNDER NEW CRIMINAL LAWS

Ms. Jaskamal Kaur, LL.M., School of Law, Lovely Professional University, Punjab, India

ABSTRACT

The Inquest Report and scope of Section 174 of the Code of Criminal Procedure, 1973¹ (hereinafter mentioned as “CrPC, 1973”) in the case of Unnatural Deaths has been thoroughly researched many times. However, several procedural gaps still exist that undermine and question its effectiveness. This paper aims to critically analyse the case of “*K. Krishnan v. State of Kerala*”² passed by the Kerala High Court. It aims to re-evaluate the scope of inquest reports filed under Section 174³ in case of unnatural deaths. Also, it will highlight the limitations therein and attempt to fill the procedural vacuum in such cases. Since, in this case, the police have failed to register a cognizable offence under Section 154⁴, in spite of the facts suggesting the commission of the same. In this context, the case warrants close examination as it tries to address these gaps through a victim-centric approach. It addresses the rights of the victim’s family to be informed of the results of the proceedings and the remedies available in cases of closure. Further, it will make a comparison between Section 174 of CrPC, 1973⁵ and corresponding Section 194 of Bharatiya Nagarik Suraksha Sanhita, 2023⁶ (hereinafter mentioned as “BNSS, 2023”). Thus, this case highlights the gaps in the procedure laid down in this code and highlights the need to ensure transparency in handling such matters.

Keywords: Section 174, Inquest Report, Unnatural Death, Investigation, Inquiry, Cognizable Offence.

¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

² WP (CrL.) No. 1029/2022

³ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁴ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁶ Bharatiya Nagrik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 194.

BASIC DETAILS OF THE CASE

Case Name: K. Krishnan v. State of Kerala⁷

Citation: WP (CrL.) 1029/2022

Court: Kerala High Court

Name of the Judge: Honourable Mr. Justice K. Babu

Date of Judgment: 10th July, 2023

Laws and Sections Involved: Section 154, 157, 174, 175, 176, 190(c) of the Code of Criminal Procedure, 1973⁸

Learned Counsels for Petitioner: Adv. Suman Chakravarthy, Adv. K.R. Rija and Adv. Amjath A.R.

Learned Counsels for Respondent: Adv. M.K. Pushpalatha (Public Prosecutor)

Amicus Curiae: Adv. John S. Ralph and Adv. Renjith B. Marar

INTRODUCTION

“Every death tells a story, but the suspicious one demands justice.”

In some cases, a person dies but leaves behind an unresolved mystery. These are the cases of “Unnatural Deaths”. Thus, the law demands a proper and deep investigation when death occurs due to unnatural or unexplained reasons to impart justice. This is where the provision of an “Inquest Report” under Section 174⁹ Comes into the picture. An inquest is a fact-finding inquiry. It is limited in nature. It aims to identify the apparent cause of death. Whether it was accidental, suicidal or homicidal.¹⁰

⁷ WP (CrL.) No. 1029/2022

⁸ The Code of Criminal Procedure, 1973 (Act 2 of 1974).

⁹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

¹⁰ Archana Sharma, “Inquest Report and its Evidentiary Value” 6 *Indian Journal of Law and Legal Research* 2043 (2024).

This provision has long been a matter of concern. Also, it has been time and again thoroughly researched but the procedural gaps continue to persist. There have been several instances where police have casually treated it as “unnatural” and failed to exercise their duty with care. This is more prevalent in those cases where there is clear evidence of death by a married woman within 7 years of their marriage. The condition further worsens when the reason for death is the demand for dowry or suicide.¹¹ The police have failed to register an FIR even when there is a clear commission of offences under Section 304-B¹² and Section 306,¹³ or any other cognizable offence.

Further, the victim’s family is kept in the dark. They are denied their right to be informed about the results of the inquiry.¹⁴ This arbitrary exercise of police power shatters the hopes of the sufferers. Additionally, there is no clear provision regarding remedies that can be availed if the circumstances suggest the commission of non-cognizable cases.

BACKGROUND OF THE CASE

A similar kind of matter arose before the Hon’ble Madras High Court in 2018. It was in the case of “*Manohari and Ors. Versus the District Superintendent of Police and Ors.*”¹⁵ The court laid down a brief procedure that the police should follow in such cases. First, as a general fact, the matter will be recorded under Section 174¹⁶. Then, the report is to be submitted to the authority mentioned therein, which is the Executive Magistrate in this case. Further, the police can continue their investigation. Finally, the final report shall be laid down in front of the concerned Judicial Magistrate. Not only that, they have to issue a proper notice to the family whose interests are involved. Also, the families shall be given the right to cast a protest petition against it. This ensures that it does not harm their rights.

FACTS OF THE CASE

The present case revolves around the tragic death of a 26-year-old married woman named Geethu. She got married on 30th April 2017 to Vipin Chandran. A son named Ishan Dev was

¹¹ Dr. Neha Bahl et al., “Inquest of Inquest Report” 4 *Amity International Journal of Juridical Sciences* 82 (2018).

¹² Indian Penal Code, 1860 (Act 45 of 1860), s. 304B.

¹³ Indian Penal Code, 1860 (Act 45 of 1860), s. 306.

¹⁴ WP (CrI.) No. 1029/2022

¹⁵ 2018(2) LW (CrI) 522.

¹⁶ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

born out of wedlock. On 25th Nov, 2021, Geethu (“deceased” in the present case) was found hanging in her bedroom. Her 3-year-old son was standing near her body. He witnessed the death of his mother. On the morning of 25th November 2021, her father, K. Krishnan, reported the matter to Tirur Police vide Case No. 1304/2021. The police titled it as an “unnatural offence” and hence registered it under Section 174¹⁷ of the CrPC, 1973. However, the father was not satisfied with the way the investigation was carried out. He contended that police were attempting to curb the proceedings at a premature stage without even carrying out a deep investigation into the circumstances. His argument was based on the fact that she had died after 4 years, 6 months and 26 days of her marriage, which is well within 7 years of the marriage. On further investigation into her WhatsApp chats, it was revealed that she was being subjected to harassment by her husband and his family. There were allegations of demand for dowry. Around 1:30 a.m., she expressed her intention to commit suicide¹⁸. Thus, it qualifies the ingredients of Section 304-B¹⁹ and Section 306²⁰ of IPC, 1860. But despite these revelations, the police refused to register a cognizable case. Unsatisfied with the ignorance by the police, the petitioner has approached the Hon’ble High Court of Kerala in the present matter. He is seeking justice for his daughter through judicial intervention.

LEGAL ISSUES

The procedure followed by police officials while inquiring into cases under Section 174²¹ Is in question. Thus, it is pertinent to throw light on the legal issues presented in this case.

1. Whether an FIR can be lodged under Section 174 of the Code?
2. Whether an FIR lodged under Section 174 be treated as an FIR under Section 154 of the Code?
3. When is it mandatory to lodge an FIR under Section 154 of the Code?
4. What is the scope of inquiry under Section 174 of the Code?

¹⁷ *Ibid.*

¹⁸ WP (CrI.) 1029/2022.

¹⁹ Indian Penal Code, 1860 (Act 45 of 1860), s. 304B.

²⁰ Indian Penal Code, 1860 (Act 45 of 1860), s. 306.

²¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

5. Whether there is an error in submitting the inquest report before the Executive Magistrate under Section 174(2) of the Code? Or should it be submitted before a Judicial Magistrate having all the powers?
6. Should it be compulsory to inform the concerned Judicial Magistrate when an inquiry reveals that death is the result of a Cognizable Offence?
7. Whether not informing the victim's family about the results of the inquiry violate their right to be informed and due process?
8. What remedies can be sought against the arbitrary closure of inquiry proceedings? Can it be challenged? If yes, then how?

ARUGUMENTS

On behalf of the Petitioner

The learned counsel for the Petitioner made the following contentions:

1. The police have failed to designate it as a cognizable offence. As the death has occurred within 7 years of marriage, and further, there were demands of dowry and harassment for the same.²² So, both qualify as cognizable offences under Section 304-B²³ and Section 306²⁴ Of IPC, 1860.
2. Police have acted erroneously in lodging a case under Section 174²⁵ and not under Section 154.²⁶ Section 174²⁷ is limited to only ascertaining the apparent cause of death, and it does not qualify as an investigation into the offence. Also, it is not a FIR within the meaning of Section 154.²⁸
3. Also, the family of the victim was kept in the dark. They were not made aware of the conclusion of the inquiry and hence were deprived of the opportunity to challenge the

²² WP (Crl.) 1029/2022.

²³ Indian Penal Code, 1860 (Act 45 of 1860), s. 304B.

²⁴ Indian Penal Code, 1860 (Act 45 of 1860), s. 306.

²⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

²⁶ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

²⁷ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

²⁸ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

closure report or seek further investigation. It violates their right to be informed.

On behalf of the Respondent

The learned counsel for the Respondent made the following contentions:

1. The procedure followed in the state of Kerala for the investigation in such matters is well in accordance with the procedure laid down in the Code.²⁹
2. An inquest is a fact-finding inquiry aimed at finding the apparent cause of death.³⁰ If this inquiry is under Section 174³¹ reveals that there exists sufficient evidence which gives rise to the commission of a cognizable offence, then the same is transformed into an FIR under Section 154.³²
3. It is followed by an investigation under Section 157³³ Which finally culminates in a submission of the final report under Section 173(2)³⁴ Before it reaches the concerned Judicial Magistrate.
4. On the other hand, if there is no commission of a cognizable offence, then the police will submit a report under Section 174³⁵ To the concerned Executive Magistrate.
5. Thus, it provides suitable safeguards against arbitrary closure of inquiry.

OPINIONS OF THE AMICUS CURIAE

Advocate John S. Ralph

1. He supported the decision passed in “*Manohari and Ors. Versus the District Superintendent of Police and Ors.*”³⁶ by the Madras High Court in this regard.

²⁹ WP (Crl.) 1029/2022.

³⁰ Archana Sharma, “Inquest Report and its Evidentiary Value” 6 Indian Journal of Law and Legal Research 2043 (2024).

³¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

³² The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

³³ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 157.

³⁴ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 173(2).

³⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

³⁶ 2018(2) LW (Crl) 522.

2. He contended that if a police officer receives any information about the commission of suicide, then they are not bound to register an FIR. It is because not all suicides are the result of cognizable offences. Further, for the cases that fall under Section 304-B³⁷ and Section 306³⁸ According to IPC, 1860, it is a mandate. Otherwise, it is sufficient to conduct an inquiry under Section 174.³⁹
3. Also, he highlighted the difference between Inquiry under Section 174⁴⁰ and Investigation under Section 154.⁴¹ Since the inquest report was made under Section 174⁴² It is listed before the Executive Magistrate, so he has limited action available. He has no judicial powers, so he can only accept it. But on the other hand, under Section 154⁴³, Judicial Magistrate can either accept, reject, or even order further investigation. This is a major loophole.
4. Therefore, he argued that the court should set some guidelines. In cases of suicide by married women under suspicious circumstances, it should be mandated that the outcome report should be placed before a Judicial Magistrate and not an Executive Magistrate.

Advocate Renjith B. Marar

1. He opposed the ruling passed by the Madras High Court.
2. He clarified that the scope of Section 154⁴⁴ and Section 174⁴⁵ It is entirely different, and the procedure laid down in Sections 174 to 176 is complete in itself.
3. If the case involves a cognizable offence, then it should be sent to a Judicial Magistrate and if not, then under Section 155(2).⁴⁶ He should apply to the Magistrate. The magistrate should exercise his discretion. But it is not in accordance with the provisions of the Code.

³⁷ Indian Penal Code, 1860 (Act 45 of 1860), s. 304B.

³⁸ Indian Penal Code, 1860 (Act 45 of 1860), s. 306.

³⁹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁴⁰ *Ibid.*

⁴¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁴² The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁴³ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁴⁴ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁴⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁴⁶ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 155(2).

4. He stressed that the code is silent on what remedy is available to the family of the victim, if no offence is laid down in case of unnatural death, and the police stop to inquire further.

JUDGMENT

The Hon'ble Judge in the present matter reaffirmed the importance of just and fair investigations in matters that involve suspicious deaths. The Hon'ble Judge thoroughly examined the procedure laid down under Section 174⁴⁷ Of the Code for inquiry into such matters. According to him, the scope of this provision is limited in nature. An inquest report is merely aimed at finding what seems to have caused the death and nothing beyond it.

Further, he emphasised the fact that it is mandatory to register an FIR under Section 154⁴⁸ after inquiry under section 174⁴⁹ In case of cognizable offences. It is because an inquest cannot be equated to an investigation done for cases registered under Section 154.⁵⁰ Further, they held that there was a significant failure on the part of the police while performing their duties. It was very clear that he deceased was being subjected to harassment and there were demands of dowry. All of this resulted in the commission of suicide. Even then police treated it as a mere case of unnatural death.

Further, the judge made a distinction between the Inquest under Section 174⁵¹ and the investigation under Section 154. Inquest is limited, while Investigations are wider. An inquest is primarily aimed at finding the probable cause of death and does not determine any rights and liabilities. While investigating, it also tries to find out the secondary factors that contribute to the offence. Thus, the inquest in no way casts a limit on the power of the police to investigate it. The inquest report is not final but advisory in nature.

Also, the powers of the Executive Magistrate are limited under Section 174.⁵² He is only allowed to accept whatever the result of the inquest inquiry is. On the other hand, the powers given to the judicial magistrate under Section 154⁵³ It is much wider. He can either accept, reject, or even order a further probe into the matter.

⁴⁷ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁴⁸ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁴⁹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁵⁰ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁵¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁵² *Ibid.*

⁵³ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

In case a matter is laid down in front of an Executive Magistrate and it ends in closure after inquiry, no proper remedy is available to the victim's family. While the victim's family have the right to file a protest petition in the same circumstances under Section 154⁵⁴. Further, the Judge directly opposed the principles laid down by the Madras High Court. Thus, by virtue of this case, the judge held that the inquiry should be based on principles of transparency and fairness. The Executive Magistrate or police must always inform the parties about whatever is the outcome. Further, the need id the hour is that the legislature should frame guidelines regarding procedures to be followed in such cases and remedies available. This will eventually help in filling the void.

AFTERMATH

The judgment passed in this case was very significant. It is because it helped in disclosing the gaps left in the procedure followed under Section 174.⁵⁵ Also, the High Court was right in highlighting that the scope of this provision is very limited. Further, it emphasised the active involvement of the victim's family throughout the process. However, it failed to fulfil the legal vacuum that is created and what remedies are available in case of a non-cognizable offence, in case the police fail to work accordingly. There is still a question regarding the mandatory duties of the police and when a case demands judicial oversight in such cases.

Therefore, on 16th May, 2025, one such matter arose in front of the Delhi High Court. The High Court, via a Writ petition in the matter of "*Khushi Sharma versus Union of India and others*"⁵⁶, tried to address the procedural flaws. Firstly, it has been held that the police are duty-bound to register an FIR under Section 154⁵⁷ when there is the slightest suspicion of a cognizable offence that resulted in death. The court referred the case of "*Lalita Kumari versus Government of UP and others*"⁵⁸ of 2014. In the landmark case, it has been made a constitutional mandate. In addition to it, the court has also laid that it is the duty of the police to inform the family of the victim about the closure reports. The court held that it is compulsory to lodge an FIR in case of suspicious deaths. Further, the Delhi High Court has provided the differences between an Inquest and an investigation. They have stated that these two are dependent on each other. Therefore, every matter that appears before the police is crucial, and they should exercise their

⁵⁴ *Ibid.*

⁵⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁵⁶ W.P.(CRL) 259/2025

⁵⁷ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.

⁵⁸ (2014) 2 SCC 1

duty with utmost care and caution. Coming to the main gap that was left unfilled in the present case has been directly dealt with by the Delhi High Court. It held that if it is found that the death is not the result of a cognizable offence, then it is mandatory to inform the victim's family about the same. It also clarified that such a closure report must be presented before the Judicial Magistrate. They may protest or request an investigation under Section 156(3)⁵⁹ or resort to the remedies laid down under Section 190⁶⁰ of CrPC, 1973. Also, they may file a complaint under Section 200⁶¹ of the CrPC, 1973 or even a Writ Petition under Article 226⁶² of the Constitution.

Therefore, the courts have time and again tried to ensure that justice is not denied in any case.

ADDRESSING GAPS UNDER THE NEW CRIMINAL LAW

With the replacement of the CrPC, 1973⁶³, by the BNSS, 2023⁶⁴, major changes have been brought in several key provisions. Similarly, a few key points have been introduced under the provisions of the Inquest. The earlier provision that is Section 174 of CrPC, 1973⁶⁵, is now relevant under Section 194 of BNSS, 2023. Earlier, there were no time restraints. But now, as per Section 194, the report should be submitted within 24 hours.⁶⁶ However, no such significant reformation has been brought with respect to the issue at hand. It has also not addressed the rights of the victim's family to know. Neither has it said anything about the after-procedure to be followed in cases of doubt. It is still unclear whether the parties can protest against the results of the report. So, due to the absence of an absolute procedure, whole hopes are on the judiciary to suggest what should be done in such cases.

CRITICAL ANALYSIS

The decision passed in the case has raised many questions, but not addressed them all. On one hand, it is right to state that there are procedural lapses while conducting an inquiry under Section 174.⁶⁷ Further, there are many challenges in the practical application by the police. They treat these unnatural death cases as mere entries in the report. This causes systematic

⁵⁹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 156(3).

⁶⁰ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 190.

⁶¹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 200.

⁶² The Constitution of India, art. 226.

⁶³ The Code of Criminal Procedure, 1973 (Act 2 of 1973).

⁶⁴ Bharatiya Nagrik Suraksha Sanhita, 2023 (Act 46 of 2023).

⁶⁵ The Code of Criminal Procedure, 1973 (Act 2 of 1973), s. 174.

⁶⁶ Bharatiya Nagrik Suraksha Sanhita, 2023 (Act 46 of 2023), s. 194.

⁶⁷ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

failure, and the family of the victim is denied justice. Nothing is revealed to them, as this is not a judicial proceeding per se. Also, since the inquest report is submitted before the Executive Magistrate, there is a lack of opportunity for the victim's family to contest the closure of the case at the inquest stage. There is no option of protest against the arbitrary closure of the inquiry. Also, it has failed to address the procedure and remedies available in case the inquest report discloses the commission of a non-cognizable case. Similar gap continues to exist in the relevant provision of BNSS, 2023. Thus, this problem demands judicial intervention and legislative reforms.

CONCLUSION

In conclusion to this case, it can be restated that justice is of utmost importance in cases of suspicious deaths. In this matter, it has been clarified that the procedure laid under Section 174⁶⁸ is not made a substitute for the process followed under Section 154⁶⁹ Of the Code. It has brought to light the grave injustice that is caused to the families of the victim when they are denied adequate solutions. Many times, the deaths of young married women are neglected and are reduced to simple cases of inquest. Thus, this case presents a victim-centric approach to uphold and protect the rights of the victims. It creates a need for legislative revolution to put in place proper guidelines for dealing with such instances. It will ensure that no one is allowed to misuse these provisions to hide the cognizable offences.

⁶⁸ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 174.

⁶⁹ The Code of Criminal Procedure, 1973 (Act 2 of 1974), s. 154.